

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LEADERS OF A BEAUTIFUL
STRUGGLE, *et al.*

Plaintiffs,

v.

BALTIMORE POLICE DEPARTMENT,
et al.,

Defendants.

Case No. RDB-20-0929

STATE OF OHIO)
COUNTY OF GREENE) SS:

**DECLARATION OF ROSS T. MCNUTT, PhD. PRESIDENT OF
PERSISTENT SURVEILLANCE SYSTEMS, LLC**

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my ability.

1. My name is Ross T. McNutt, PhD. I am competent and of sound mind and have personal knowledge of all the facts attested to herein. I am the president and founder of Persistent Surveillance Systems, LLC (hereinafter "PSS"). PSS's mission is to assist law enforcement and public safety departments in reducing crime.
2. PSS has developed an aerial investigation research system (hereinafter "AIR") designed to assist law enforcement and communities. I serve as PSS's primary point of contact and its technical lead for the AIR pilot program.

3. PSS entered into an agreement to conduct a six month pilot program agreement with the Baltimore Police Department (hereinafter “BPD”) to provide aerial surveillance using its AIR technology. The purpose of the pilot program is for BPD to evaluate the extent to which AIR may assist BPD in solving and closing some of the most violent crimes in Baltimore City – murders, shootings, and armed robberies (including carjackings). During this experimental pilot program, PSS imagery will only be used to investigate the listed target crimes unless extraordinary and exigent circumstances exist and approved in writing by the Police Commissioner. The AIR program will also support defense attorneys and public defenders.
4. PSS is prohibited from using data collected during the AIR pilot for any purpose other than facilitating investigations as described in the Agreement and assisting prosecutors and defense counsel in criminal prosecutions.
5. During the six month pilot program, PSS will fly up to three aircrafts over major portions of Baltimore City collecting imagery data up to approximately 12 hours per day, during daylight hours. No zoom, telephoto, infrared or night vision technology will be used and the ability to capture usable data will be weather dependent.
6. The PSS aircraft will take wide-angle photographs at a resolution limited to one pixel per person and therefore individuals shown as a single dot and vehicles appear as a tic tac. Both vehicles and people are tracked from a reported crime scene forwards and backwards in time.
7. At this resolution, the system cannot determine any personally identifiable characteristic, including a person’s ethnicity, gender, or clothing, nor specific features

of vehicles. The system cannot differentiate between police or non-police personnel or vehicles.

8. PSS will not track individuals or vehicles in real time.
9. Once the photographs are collected, images will be transmitted from the aircraft to ground stations operated by the contractor. These facilities are staffed by roughly 35 employees, most residents of the Baltimore area, who have been trained as analysts or support the program in other capacities.
10. The data is then accessed only after receiving an incident number or other notification related to a murder, non-fatal shooting, armed robbery, or carjacking.
11. AIR technology categorically will not be used to seek out criminal activity not directly related to a previously approved investigation involving murder, shooting, or armed robbery to include carjackings.
12. Analysts will examine the images and “tag” vehicles or individuals that were at or near the crime scene at or near the time of the crime. Analysts will then manually track the “tagged” moving dots (which represent individuals and vehicles) to and from the incident location, including over sidewalks and roads in public places. A person or vehicle’s movements to or from a crime scene can therefore be reduced to a track on a map. This tracking is labor intensive and takes 1 hour to track a single vehicle for 2 hours. This limits the number of vehicles and people who can be tracked and limits the number of investigations that can be supported. These tracks of people to and from the crime scene generate leads for investigators to follow to identify potential suspects or witnesses to help them solve crimes.

13. Because of the system's manner of operation, certain information is unknowable. For example, if a dot representing a person enters a structure and subsequently a dot representing a person leaves that structure, it is not possible to know from our data whether both dots represented the same person. Similarly, it would be possible to observe cars leaving a parking garage, but not possible to know which of several cars departing was the one observed earlier entering the garage after leaving the scene of a crime.
14. Relatedly, the system is not capable of monitoring a particular individual reliably over a period of multiple days. The system's ability to reliably track an individual is dependent on continuity of imagery data. During the gaps in data between imagery collection flights, subjects may have departed a last known location. Likewise, a vehicle appearing to be in the same location last seen may not have moved, or it may have departed and returned (with or without the same occupants), or it may have departed and been replaced by an entirely different vehicle.
15. AIR will provide detectives investigating a target crime with an investigative briefing within 18 hours, which includes imagery analysis, the location and timing of the crime, the observable actions at the crime scene, the tracks of vehicles and people to and from a crime scene and locations visited before and after the crime. PSS will provide BPD a more detailed report within 72 hours, which will include information regarding relevant ground-based cameras (for example, Citiwatch and license plate readers) along the routes taken to or from the crime scene and video images of people or vehicles taken as they passed by, if available.
16. BPD will not have direct access the raw photographic data.

17. Any imagery not identified as relevant to a criminal investigation and used to support an evidentiary packet will be deleted after 45 days consistent with the Services Agreement.
18. PSS maintains strict privacy policies. These policies have been developed with input from a wide range of organizations including the ACLU. All analysts are trained and agree to follow these privacy policies. As part of our privacy program, PSS provides internal oversight of its analysts and will report weekly, monthly, and quarterly their activities and their findings of any unauthorized activity. PSS records and tracks every location our analysts have viewed. Every track that is created must be assigned to an authorized investigation. PSS analyzes the locations viewed and tracks made by all analysts for unauthorized viewing activity. PSS also provides these tools to Baltimore Police Department and outside independent oversight organizations for their review, oversight, and comment.
19. AIR Pilot Program will receive oversight from an independent verification and validation consultant who is responsible for verifying that the aerial imagery collected is used solely in accordance with the procedures set forth in the Agreement. PSS and BPD also agreed to provide full support to multiple independent research partners to evaluate various aspects of the AIR program's functioning.

Further Affiant sayeth naught.

Date: 15 April 2020



Ross T. McNutt, PhD
President
Community Support Program
Persistent Surveillance Systems, LLC

NOTARIAL CERTIFICATE

Sworn to and subscribed before me in my presence on this 15th day of April, 2020.



NANCY BROCK, Notary Public
In and for the State of Ohio
My Commission Expires July 7, 2024

Nancy Brock
Notary Public